

WA 2813
10/11/02
Me

Charles Ordine

10/11/2002 02:41 PM

To: kmj@johannassocs.com

cc: paul.r.carlson@boeing.com, Howard Orlean/R10/USEPA/US@EPA,
Anna Filutowski/R10/USEPA/US@EPA, Keven
McDermott/R10/USEPA/US@EPA, Grechen
Schmidt/R10/USEPA/US@EPA, Edward
Kowalski/R10/USEPA/US@EPA, Allison
Hiltner/R10/USEPA/US@EPA, Ravi Sanga/R10/USEPA/US@EPA

Subject: Jorgensen Forge

Per our conversation yesterday, based on our TSCA inspection earlier this year & materials submitted thereafter by Anchor Env. on your client's behalf, as well as the more recent 9/9 letter of Ron Altier to our TSCA Inspector/Unit Manager, Keven McDermott, & independent research by our Civil Investigator, Grechen Schmidt, regarding the Lower Duwamish Waterway Superfund Site, we believe releases of PCBs to the Duwamish Waterway sediments from your facility, if any, likely predate transfer of the current Jorgensen Forge facility property to your client from Earle M. Jorgensen Company in June 1992. For this reason, we will request that investigatory sampling on your client's property related to potential releases of hazardous substances, most specifically PCBs, to the Duwamish be performed by your predecessor. However, because this work is related to our need to establish a southern boundary to the sediment hotspot cleanup Boeing is slated to begin implementing in the 2004 season, & whether, as Boeing has reasonably maintained, others should share equitably in any extension of the hotspot cleanup south of sediments immediately adjacent to Boeing's Plant 2 facility, we will want this sampling promptly performed, and will look to your client as the current owner/operator to perform this sampling if your predecessor (currently located out of state & beyond our region in California per information available to me) is not willing to promptly cooperatively perform this sampling. We appreciate your client's expressed willingness to date to reasonably provide access as necessary and otherwise cooperate with us. In this regard, in lieu of a more formal CERCLA 104(e) information request because we wish to proceed quickly, please provide any additional documentation your client may have containing information which may lead to evidence of PCB releases from the facility at any time, & any documentation, if any, regarding any consideration given to environmental conditions at the facility at the time of the 1992 transfer or prior thereto, including any due diligence you may have performed, any cleanup work that was conducted or any arrangements concerning how pre-1992 releases or environmental conditions, if any, would be addressed, which you have not previously given EPA. If you prefer a more formal 104(e) request letter for this information, please let me know promptly. As a final point of clarification, the proposed Boeing sediment hotspot cleanup is proceeding as a RCRA Interim Corrective Action pursuant to a 3008(h) AOC issued to Boeing on January 18, 1994. As you know, Boeing is also one of 4 Respondents implementing the December 2000 Lower Duwamish SF Site RI/FS AOC, & Boeing's Plant 2 cleanup is also considered an early action removal in the Superfund process as you have seen in published accounts based on publicly available documents. We anticipate that sampling activity on your facility will be conducted pursuant to a CERCLA 106 Order issued to either you or your predecessor, and should other sources to the area ultimately determined as the extent of the Boeing Plant 2 hotspot cleanup be verified (e.g., those responsible for the recently discovered PCB transformer leaks on Plant 2 if they were/are a source of Duwamish sediment contamination), our expectation is these sources/responsible parties would coordinate & cooperate equitably with Boeing in implementing the hotspot cleanup pursuant to a CERCLA 106 Coordination & Cooperation Order, notwithstanding that Boeing will be implementing its RCRA 3008(h) Order. I have copied this e-mail to Paul Carlson, Boeing counsel, to keep Boeing informed of our relations as they may affect Boeing's Plant 2 Interim Action. We prefer open communications in the interest of transparency. You may therefore share it with your predecessor or any other PRP at your discretion.

8531 East Marginal Way South
Sea, WA 98108

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